

To: Naranjo, Eugenia[Naranjo.Eugenia@epa.gov]
Cc: Len Warner[lwarner@louisberger.com]; AccardiDey, AmyMarie[aaccardidey@louisberger.com]; Franklin, Elizabeth A NWK[Elizabeth.A.Franklin@usace.army.mil]
From: Clifford Firstenberg
Sent: Thur 3/2/2017 4:45:27 PM
Subject: RE: NBSA Feasibility Study WP

Thanks. We will show 13 as having been removed and will address 31 consistent with the additional information provided.

-

Clifford E. Firstenberg

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Thank You.

From: Naranjo, Eugenia [mailto:Naranjo.Eugenia@epa.gov]
Sent: Wednesday, March 01, 2017 3:00 PM
To: Clifford Firstenberg <cfirstenberg@tierrasolutionsinc.com>
Cc: Len Warner <lwarner@louisberger.com>; AccardiDey, AmyMarie <aaccardidey@louisberger.com>; Franklin, Elizabeth A NWK <Elizabeth.A.Franklin@usace.army.mil>
Subject: FW: NBSA Feasibility Study WP

Cliff,

See below NJDEP's clarification of comment 31. Let me know if this clarifies it, or we need to discuss.

From: Nickerson, Jay [mailto:Jay.Nickerson@dep.nj.gov]
Sent: Wednesday, March 01, 2017 9:34 AM
To: Naranjo, Eugenia <Naranjo.Eugenia@epa.gov>
Cc: Hayton, Anne <Anne.Hayton@dep.nj.gov>; Gordon, Michael <Michael.Gordon@dep.nj.gov>
Subject: NBSA Feasibility Study WP

Eugenia, The two DEP comments, identified as 13 and 31 in EPA's compilation, are addressed below:

For comment 13, EPA has decided to withdraw this comment. This action is acceptable; note that DEP comment 13 did not require modifications to FSWP, but instead offered perspective on use of Institutional Controls (ICs) and other "use restrictions" in the FS process.

However, a potential discussion and clarification item with the EPA regards remedial technology development during the FS should not rely upon extending existing institutional controls (ICs) and water use restrictions into the future. CERCLA Baseline Risk Assessments are performed by evaluating site conditions in the absence of a remedial action or application of institutional controls (USEPA, RAGs A, Chapter 1). Since EPA FS guidance incorporates consideration of existing IC effectiveness during the FS process, it should be clarified that during remedial alternative development/screening process, the emphasis should be to *limit reliance on ICs and other water use restrictions* in the future, to the extent possible.

For comment 31, EPA requested further clarification, as provided below:

Comment 31 was prompted by review of the draft FS work plan Section 4.4., Task 4 Initial Screening of Alternatives. In short, the description for the *Effectiveness* initial screening process should be improved. (please note that the draft text by Tierra was taken nearly verbatim from the cited 1988 USEPA FS guidance (section 4.2.5.1, para 1), however, an improved description is provided later in same guidance, as provided below).

Two points were made in comment 31:

1. In addition to utilizing the 1988 USEPA *Guidance for Conducting RI/FSs under CERCLA*, Tierra should also consult more recent guidance on this topic (FS fact sheet guidance, USEPA 1990), and guidance especially relevant to contaminated sediment projects (USEPA 2005) to better guide/describe the development and screening of alternatives through the FS process.
2. For *Effectiveness*, it is important to emphasize comparing remedial alternatives relative to projected effectiveness:

-- in meeting project remedial action objectives and specific preliminary remediation goals (PRGs) as established through the project risk assessments

-- in minimizing detrimental impacts to human health and environment in both the short term (construction & implementation phases) and long term (reliability in meeting PRGs, durability)

-- as a proven or promising technology

Although not initially included in DEP comment 31, it is recommended that under Task 4, Effectiveness is re-written to better capture the intent of the Effectiveness Evaluation, as presented in Section 4.3.2.1, Guidance for Conducting Remedial Investigations and Feasibility Studies under CERCLA (USEPA 1988). However, this is deferred to the EPA on this issue. Excerpt of Section 4.3.2.1 follows:

“Section 4.3.2.1 Effectiveness Evaluation

A key aspect of the screening evaluation is the effectiveness of each alternative in protecting human health and the environment. Each alternative should be evaluated as to its effectiveness in providing protection and the reductions in toxicity, mobility, or volume that it will achieve. Both short- and long-term components of effectiveness should be evaluated; short-term referring to the construction and implementation period, and long-term referring to the period after the remedial action is complete. Reduction of toxicity, mobility, or volume refers to changes in one or more characteristics of the hazardous substances or contaminated media by the use of treatment that decreases the inherent threats or risks associated with the hazardous material.” (USEPA 1988)

Regards

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